

RESTRICTION PRESENTED

The series of species elections have been presented by the United States Patent and Trademark Office (hereinafter "the Patent Office") with respect to the claims of Group I that were elected in response to a Restriction/Election Requirement dated January 17, 2007. The species elections are as follows:

- (A) A specifically named single species of AAV inverted terminal repeats, from the species of AAV-1 through AAV-6, as recited in claim 3;
- (B) A specifically named single species of promoter or inducible promoter operably linked to AAV Rep, from the species of tet responsive, element, ecdysone, response element, heat shock promoter, MMLV LTR, T7 promoter, metallothionein response element, AAV p5 promoter, liver-specific promoter, muscle specific promoter, and brain-specific promoter, and as recited in claims 6-8;
- (C) A specifically named single species of functional genomic region or a single specific combination of functional genomic regions, from the species of E1a, E2a, E4 or E6 and VA regions, as recited in claim 11;
- (D) A specifically named single species of deleted region or a single specific combination of deleted regions (additional to deletions recited in base claim 1), from the species of IVa2, 100k, L3, L4, L5, intermediate gene IX, preterminal and polymerase regions, as recited in claims 16-20;
- (E) A specifically named single species of promoter or inducible promoter operably linked to a heterologous nucleic acid, from the species of liver-specific, muscle specific, brain-specific, glucose-responsive, CMV, albumin, EFl- $\alpha$ , pyk, MFG and RSV promoters, as recited in claims 21-25; and
- (F) A specifically named single species of heterologous polypeptide or antisense nucleic acid, from the species of therapeutic, immunogenic reporter polypeptides, or a single specific polypeptide associated with a lysosomal or glycogen storage disease (from those listed in claims 29 and 31), as recited in claims 26-34.

Application Serial No.: 10/511,980

APPLICANTS' ELECTION

Applicants hereby elect the following species upon which the search can be initiated.

- (A) A specifically named single species of AAV inverted terminal repeats, as recited in claim 3; AAV-2;
- (B) A specifically named single species of promoter or inducible promoter operably linked to AAV Rep, as recited in claims 6-8; AAV p5 promoter;
- (C) A specifically named single species of functional genomic region or a single specific combination of functional genomic regions, as recited in claim 11; E4orf6;
- (D) A specifically named single species of deleted region or a single specific combination of deleted regions, as recited in claims 16-20; preterminal and polymerase regions;
- (E) A specifically named single species of promoter or inducible promoter operably linked to a heterologous nucleic acid, as recited in claims 21-25; liver-specific promoter; and
- (F) A specifically named single species of heterologous polypeptide or antisense nucleic acid, as recited in claims 26-34; acid glucosidase (GAA).

Applicants respectfully submit that claims 1-7, 9-24, 26, 27, and 30-36 read on the elected species.

REMARKS

Claims 1-142 were pending in the subject U.S. patent application. Claims 1-142 as filed were subjected to a first Restriction/Election Requirement dated January 17, 2007, in which Group I, which corresponds to claims 1-36, were elected for prosecution. A second Restriction/Election Requirement was presented by the Patent Office on October 2, 2007, in which a series of species elections were required. In response to the species elections, applicants have elected the following species upon which the search can be initiated; AAV-2; AAV p5 promoter; E4orf6; preterminal and polymerase regions; liver-specific promoter; and acid glucosidase (GAA).

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Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter. Applicants also reserve the right to request rejoinder of subject matter as may be appropriate as prosecution progresses.

#### CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

#### DEPOSIT ACCOUNT

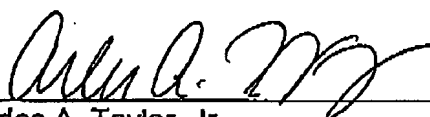
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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Date: December 3, 2007

By: \_\_\_\_\_

  
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